IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4741 OF 1990

Shravankumar Agarwal
since deceased through LR
Chiranjilal S.Agarwal .. Petitioner.
Vs.
Tulshiram Kisan Tupe .. Respondent.

Mr.Shirish Pitre for the petitioner.
Mr.Ajit Karwande for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 5TH OCTOBER, 2005

P.C.:

. Mr.Pitre, learned counsel for the petitioner after arguing this petition for some time fairly stated that the petitioner and his family members would be satisfied if they are given sufficiently long time to vacate the suit premises and in that case he has instructions not to press this writ petition. The petitioner's son - Santosh Chiranjilal Agarwal is present in the court. Mr.Karwande, learned counsel for the respondent, on instructions, agreed to give some reasonable time to the petitioner to vacate the suit premises. Both the learned counsel for the parties after discussing amongst themselves and consulting their instructing clients agreed for two years time to be

given to the petitioner and his family members to vacate the suit premises. The petitioner's son - Santosh Chiranjilal Agarwal gave a list of adult family members presently residing in the suit premises. The following are the members of petitioner's family who stay in the suit premises with the petitioner: (1) Smt.Sushila Chiranjilal Agarwal, (2) Shri Santosh Chiranjilal Agarwal (3) Smt.Sheetal Santosh Agarwal and (4) Master Aditya Santosh Agarwal, 2 years old son of Santosh and Sheetal Agarwal. In view of the submissions of the learned counsel for the parties the instant writ petition stands disposed of by the following order:

1. The writ petition is disposed of as not pressed.

2. The petitioner and his aforestated adult family members are directed to file usual undertakings in this Court within three weeks from today. Mr.Santosh Chiranjilal Agarwal to file the undertaking on his behalf and on behalf of his minor son - Aditya Santosh Agarwal as his guardian. On the petitioner and his family members filing usual undertaknig as aforestated the decree of eviction shall not be executed for a period of two years commencing from 1st October, 2005. During

this period aforestated family members alone shall be entitle to stay in the suit premises. It is made clear that no further extension shall be granted on whatsoever ground.

3. A copy of the undertakings be furnished to the advocate for the respondents.

4. During the aforestated period of two years the petitioner shall keep paying the rent to the respondent - landlord. Any two defaults in payment of rent on or before 10th of every month shall entitle the respondent - landlord to execute the decree against the petitioner and his family members. The petitioner and his son - Santosh Agarwal shall also undertake to pay the rent as aforestated.

5. No costs.

(D.B.Bhosale, J.)